IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY NINETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 1746 of 1997

Between:

T.Venu Prakash son of Agaiah, aged about 29 yrs

r/o Karimnagar District.

... PETITIONER

AND

1.Industrial Tribunal-cum-Labour Court,Godavarikhani,

Karimnagar district.

2.The Depot Manager, APSRTC,bus depot,

Karimnagar-I,Karimnagar.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or Writ particularly one in the nature of Writ of Certiorari and after calling for records from the 1st respondent and quash the award dt.2.4.1994 passed by the 1st respondent to reinstate the petitioner into service with continuity of service back wages and all other attendant benefits..

Counsel for the Petitioner:MR.V.VISWANATHAM

Counsel for the Respondent No.1: G.P. for Labour

Counsel for the Respondent No.2: SMT.G.JYOTHI KIRAN ,S.C. for A.P.S.R.T.C.

The Court made the following :

ORDER

1. This Writ Petition is filed by the petitioner aggrieved by the' nil award' passed by the first respondent.

2. According to the petitioner, he got himself enrolled in the Employment Exchange, Karimnagar in the year 1985. Basing on the said enrolment, the second respondent corporation called the petitioner for interview and thereafter he was appointed as a conductor on 16-03-1990. After completion of probation, the petitioner'S services were also regularized. But subsequently, the Management came to know that the Educational qualification i.e., S.S.C. certificate produced by the petitioner was not a genuine one. Therefore, departmental proceedings were initiated by framing an appropriate charge. Thereafter, a show cause notice was issued, calling for the explanation of the petitioner for which the petitioner filed his explanation denying the charge. Thereafter an enquiry was ordered after framing necessary charges against the petitioner. The Enquiry Officer submitted his report giving a finding that the petitioner was found guilty of the charge. Thereafter a show cause notice, dated 26-12-1991 was issued for removal of the petitioner. After receiving the explanation of the petitioner, proceedings were issued on 15-04-1992, removing the petitioner from service. Therefore, the petitioner approached Industrial Tribunal raising an industrial dispute. The Tribunal, after hearing the parties and basing on the material produced

before it, passed an award in I.D.No.136 of 1992, dated 02-04-1994 passing the 'nil award', against which, the present Writ Petition is filed.

3. Heard the learned counsel for both sides and considered the material on record.

4. Though the learned counsel for the petitioner contended that the Tribunal was not justified in passing the 'Nil award,' but a perusal of the award shows that the Tribunal recorded a categorical finding that no student with the particular register number appeared from the school from which the petitioner claimed to have appeared to the S.S.C. examinations. In view of the said categorical finding recorded by the Tribunal that the petitioner did not appear for the examination either from the school from which he claimed or as a private candidate, the certificate that was produced was found to be not a genuine one. In the light of the said finding recorded by the Tribunal, the Tribunal refused to grant any relief and thus, application was dismissed.

5. In the light of the above categorical findings confirming the findings recorded by the corporation, the petitioner is not entitled to a any relief in the present Writ Petition.

6. Accordingly, the Writ Petition is dismissed, as devoid of any merit. No costs.

29-07-2004.

Hsd/Kvh

Assistant Registrar

// true copy //

Section officer

To

1.The Industrial Tribunal-cum-Labour Court,

Godavarikhani, Karimnagar district.

2.2 C.Cs to G.P. for Labour, High Court buildings, Hyderabad (OUT)

3.2 C.D. copies.

4.The Depot Manager, APSRTC, Bus depot,

Karimnagar.I,Karimnagar.